

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FILED  
2004 JUN 25 PM 1:51

LUCENT TECHNOLOGIES, §  
Plaintiff §  
v. § CASE NO. A-04-CA-252-SS  
GATEWAY, INC., GATEWAY COUNTRY §  
STORES, LLC, GATEWAY COMPANIES, §  
INC., GATEWAY MANUFACTURING, §  
LLC, COWABUNGA ENTERPRISES, §  
INC., DELL INCORPORATED §  
Defendants. §

**AGREED ORDER ON FORGENT NETWORKS, INC.'S  
MOTION TO QUASH THIRD-PARTY SUBPOENA**

CAME ON for consideration this date in the above-styled and numbered cause Forgent Networks, Inc.'s Motion to Quash Third Party Subpoena and Objections Subject Thereto (the "Motion"). The Court has been advised that the March 12, 2004 subpoena issued to Forgent Networks, Inc. by Microsoft Corporation in the lawsuit styled: *Lucent Technologies, Inc., et al. v. Gateway, Inc., et al., Case No. 02-CV-2060 B (WMC), in the Southern District of California* (the "Subpoena") has been withdrawn. Thus, having carefully considered the Motion, Microsoft Corporation's withdrawal of its Subpoena, and the entire record, the Court is of the opinion that the Motion is moot.

IT IS THEREFORE ORDERED that the Subpoena issued by Microsoft Corporation to Forgent Networks, Inc. is hereby in all respects withdrawn.

IT IS FURTHER ORDERED that Forgent Networks, Inc.'s Motion to Quash Third Party Subpoena and Objections Subject Thereto is moot.

The Court notes that the parties, by agreement, have resolved their dispute regarding attorneys' fees and costs, and accordingly, this matter is now moot.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
THE HONORABLE SAM SPARKS  
UNITED STATES DISTRICT JUDGE

**AGREED AS TO FORM AND CONTENT:**

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**ATTORNEYS FOR MICROSOFT CORPORATION**

SIGNED this 29<sup>th</sup> day of June, 2004.

  
\_\_\_\_\_  
THE HONORABLE SAM SPARKS  
UNITED STATES DISTRICT JUDGE

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